

## REMARKS/ARGUMENTS

This submission accompanies an RCE and serves as a further response to the Final Office Action of April 1, 2009 and Advisory Action dated July 23, 2009 issued in connection with the instant application. A Petition for Extension of Time (three months) and the fee therefor are submitted herewith.

The aforementioned Final Rejection requests amendments to the drawings (paragraph 2 of the Office Action). Further, claims 23, 28 and 33 are rejected under the first paragraph of 35 U.S.C. §112. Substantially, claims 23-40 have been stated to be obvious over Furukawa (6,108,548), in view of Cvetkovic (6,236,844).

Following the submission of the Amendment of July 10, 2009, the July 23, 2009 Advisory Action refused to enter that Amendment (which is now of record upon the submission of the instant RCE application). The Advisory Action contends that the term “hand-over process” refers to hand-over process between base stations, not from one antenna to the other. Further, an objection was made for lack of clarity as to which or what “difference” is being contemplated in the claims. Insofar as the prior art is concerned, the Advisory Action asserts (at page 5):

“...Furukawa teaches two branches of antenna, these two branches of antenna would implicitly teach two spaced apart antennas. The selection of the antenna with the highest signal intensity would obvious teach the claimed ‘difference’ with the broadest reasonable interpretation.” [emphasis added].

Responding to the foregoing, applicant notes the following. In the instant claims, the “hand-over” process or facility actually “hands over” the communication from one base station to another. The claims should not be read as implying that the term “hand-over” has anything to do with the selection of a particular antenna. Neither the claims nor the specification comport, require or applies such an interpretation. Therefore, the applicant and the Examiner are actually in agreement that the term “hand-over” refers to the switching over of a communication channel from one base station to another.

Concerning the term “difference”, and the suggestion that the term is not described in the specification, please note the following. At page 5, lines 2-6, reference is made to the radiowave intensity, which becomes a maximum and the fact that the maximum radiowave intensity “differs antenna by antenna” (emphasis added). In fact, this reference to the different antennas yielding

“different” results also appears in paragraphs [0011], [0016], [0017] and [0018] and elsewhere in the specification.

Respectfully, linguistically, there is no difference between the word “differs” and the word “difference”. It is crystal clear to one of ordinary skill in the art that the State Detector shown in the drawings in Fig. 2A has a functional block which communicates with the two antennas 100-1 and 100-2 and receives their signal intensities. The State Detector in Fig. 2A, according to the description in the instant specification, compares signal intensities in each of the antennas from one or more of the base stations. Any such comparison implies and teaches calculating or determining the “differences” between the signals of these antennas.

What is unique in the present claims is that the decision to “hand over” the communication from one base station to another is carried out by noting the “state” of the signals (in other words, the differences between the antenna signals) in order to make the decision to which base station “communication” should or should not be transferred.

A particularly good example of this process and technology can be gleaned from Fig. 4 and paragraphs [0037]-[0041] of the instant specification. Let’s assume that communication is done through base station 102-1 in Fig. 4. As the mobile station (with its two antennas 100-1 and 100-2) is moving in the direction of the arrow in that figure, these antennas will receive signals from base station 102-3, as well as from the base station 102-2. In actuality, it might be deemed that the base station 102-3 should be selected, because it is located closer to the mobile station than the base station 102-2. In fact, if there were only a single antenna, the base station 102-3 would be selected first, and then switched over to the base station 102-2.

In marked contrast to the prior art, because the decision which base station to “hand-over” the communications to is based on the difference between the signal strengths from the antennas 100-1 and 100-2, the invention chooses to communicate to base station 102-2, rather than with the base station 102-3. Because this “difference” in signal intensity is being looked at at the antenna level, a more efficient process is obtained by going directly to the base station 102-2. This is extensively, clearly and unambiguously described in the specification and illustrated in the drawings.

Therefore, the objection to the drawings should be reconsidered and rescinded. The State Detector of Fig. 2A shows and illustrates the concept of looking at the differences between the signal

strengths received from the antennas 100-1 and 100-2 and it is clear that the “State Detector” looks at the difference between those signals strengths as stated repeatedly throughout the specification.

Turning to the prior art, applicant respectfully submits that nothing, absolutely nothing, in either of the two cited references teaches a hand-over process of a mobile station between two base stations based on “difference of said transmission/reception condition of each of said antennas”, as recited in claim 23 and as similarly recited in the other independent claims. In the prior art, a particular antenna might be used for communication. But there is no disclosure or any hint of using multiple antennas which are spaced apart sufficiently to produce a noticeable “difference” in maximum signal strength, to make it possible to determine and achieve the objectives of the present invention of realizing a more efficient and stable hand-over process, as described in the instant specification and as claimed in the instant claims.

Although the Office Action has objected originally to the term “state” and now some of the claims use the term “condition”, it is very clear in the specification that the “condition” refers to relative signal quality of the antenna signals, which may be the “intensity”. Indeed, independent claim 38 specifically talks about the “condition” corresponding to the “radiowave intensities”.

Based on the foregoing remarks, it is submitted that each and every one of the independent claims in the instant application is fully supported in the drawings, as well as in the text of the specification and presents subject matter which clearly distinguishes over the prior art. The dependent claims in the application include the limitations of their respective base, independent claims and impose further limitations thereon. As such, they too are clearly distinguishable over the prior art.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

  
\_\_\_\_\_  
MAX MOSKOWITZ  
Registration No.: 30,576  
OSTROLENK FABER LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON OCTOBER 1, 2009